

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN**

ANDREW FETHER,

Case No. 1:17-cv-878-JTN-ESC

Plaintiff,

Hon. Janet T. Neff

Magistrate Judge Ellen S. Carmody

v

HILLSDALE COUNTY, a Municipal Corporation;  
HILLSDALE COUNTY SHERIFF DEPARTMENT,  
HILLSDALE COUNTY SHERIFF DEPARTMENT'S  
DEPUTY KWINN LEVA, in her individual and  
official capacity, ASSISTANT PROSECUTOR  
VALERIE WHITE, in her official and individual capacity;  
MICHIGAN STATE POLICE TROOPERS THOMAS  
HURST, CYNTHIA GOCHANOUR, and TONY CUEVAS,  
and MICHIGAN STATE POLICE SEX OFFENDER REGISTRY  
ANALYSTS MELISSA MARINOFF and MARCI KELLEY,  
in their individual capacities,

Defendants.

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Hillsdale Co. Sheriff's Dept., Deputy Kwinn  
Leva & Assistant Prosecutor Valerie White  
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Adam Paul Sadowski (P73864)  
Attorney for Defendants Thomas Hurst,  
Cynthia Gochanour, Tony Cuevas, Marci  
Kelley & Melissa Marinoff  
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**STIPULATION AND PROPOSED ORDER OF DISMISSAL**

**STIPULATION**

The Plaintiff and Defendants hereby agree and stipulate to the following:

- a) Pursuant to F.R. Civ. P 41 (a)(2), Defendants Hillsdale County, Hillsdale County Sheriff Department, Hillsdale County Sheriff's Department Deputy Kwinn Leva, and Hillsdale County Assistant Prosecutor Valerie White, shall be dismissed as parties, and from all claims, in the above-captioned lawsuit, without prejudice, and without costs to the parties;
- b) Pursuant to F.R. Civ. P 41 (a)(2), Count III (*Civil Conspiracy*) and Count IV (*Monell*) of Plaintiff's Complaint (Dkt. 1) against Michigan State Police Defendants Thomas Hurst, Cynthia Gochanour, Tony Cuevas, Marci Kelley, and Melissa Marinoff, are voluntarily dismissed, without prejudice and without costs to the parties;
- c) Pursuant to this stipulation, the only remaining party-Defendants to the lawsuit shall be Michigan State Police Department Defendants: Thomas Hurst, Cynthia Gochanour, Tony Cuevas, Marci Kelley and Melissa Marinoff;
- d) The only remaining claims to this lawsuit are Count I (Equal Protection) and Count II (Constitutional Defamation);
- e) This stipulation does not alter the briefing schedule and order (ECF No. 30) regarding the pending dispositive motion (to dismiss), except to the extent that the County defendants shall be dismissed from the lawsuit, and as such, will not be joining in Defendants' motion to dismiss.

Approved for entry:

Dated: April 19, 2018

/s/ Nicholas H. Klaus  
Nicholas H. Klaus (P81076)  
Attorney for Plaintiff

Dated: April 23, 2018

/s/ Andrew J. Brege (signed with permission)  
Andrew J. Brege (P71474)  
Attorney for Defendants Hillsdale Co., Hillsdale Co.  
Sheriff's Dept., Deputy Kwinn Leva & Assistant  
Prosecutor Valerie White

Dated: April 20, 2018

/s/ Adam Paul Sadowski (signed with permission)  
Adam Paul Sadowski (P73864)  
Attorney for Defendants Marci Kelley and Melissa  
Marinoff

### **ORDER**

This matter having come before the Court on the stipulation of the parties, and the Court being fully advised in the premises;

**IT IS HEREBY ORDERED** that:

a) The above-captioned lawsuit, and all claims therein, is dismissed as to Defendants Hillsdale County, Hillsdale County Sheriff Department, Hillsdale County Sheriff's Department Deputy Kwinn Leva, and Hillsdale County Assistant Prosecutor Valerie White, without prejudice, and without costs to the parties;

b) Counts III (Civil Conspiracy) & IV (*Monell*) of Plaintiff's Complaint (Dkt. 1) against Michigan State Police Defendants Thomas Hurst, Cynthia Gochanour, Tony Cuevas, Marci Kelley, and Melissa Marinoff, are dismissed without prejudice and without costs to either party;

c) The only remaining party-Defendants to the lawsuit are Michigan State Police Department Defendants Thomas Hurst, Cynthia Gochanour, Tony Cuevas, Marci Kelley, and Melissa Marinoff;

d) The only remaining claims against Michigan State Police Department Defendants are Counts I (Equal Protection) & II (Constitutional Defamation).

It is further ordered that:

e) The briefing schedule and Order set forth in ECF No. 30 shall be amended to reflect that the County Defendants Hillsdale County, Hillsdale County Sheriff Department, Hillsdale County Sheriff's Department Deputy Kwinn Leva, and Hillsdale County Assistant Prosecutor Valerie White, are voluntarily dismissed from the lawsuit, and as such, will not be joining in Defendants' motion to dismiss referenced in that Order;

f) The briefing schedule and Order (ECF No. 30) remains unaltered as to the Michigan State Police Department Defendants.

Dated: April 26, 2018

/s/ Janet T. Neff  
Hon. Janet T. Neff  
U.S. District Court Judge